



MAKHADO LOCAL MUNICIPALITY WHISTLE-BLOWING POLICY, 2014

(Council Resolution A.145.14.10.14)

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1.1 Background

This Policy addresses the commitment of Makhado Local Municipality to integrity and ethical behaviour by helping to foster and maintain an environment where employees can act appropriately, without fear of retaliation. To maintain these standards, Makhado Local Municipality encourages its employees who have concerns about suspected serious misconduct or any breach or suspected breach of law or regulation that may adversely impact the municipality, to come forward and express these concerns without fear of punishment or unfair treatment.

Makhado Local Municipality conducts business based on the principles of fairness, honesty, openness, decency, integrity and respect. It is the policy of Makhado Local Municipality to support and encourage its employees, councilors, the community and other stake-holders to report and disclose improper or illegal activities, and to fully investigate such reports and disclosures. It is also the policy of Makhado Local Municipality to address any complaints that allege acts or attempted acts of interference, reprisal, retaliation, threats, coercion or intimidation against employees who report, disclose or investigate improper or illegal activities (the “Whistleblowers”) and to protect those who come forward to report such activities. Makhado Local Municipality assures that all reports will be treated strictly confidentially and promptly investigated and that reports can be made anonymously, if desired.

This policy is intended to make it clear that Makhado Local Municipality is committed to the fight against fraud and corruption whether the perpetrators are internal or external. That the Whistle-blowing policy and procedures is part of the Municipality’s commitment to working towards a culture of openness and transparency. It could be added that confidentiality will be maintained, and that nobody will be penalized for disclosing in good faith, information that might be in the Municipality’s interest.

1.2 Purpose of the policy

The purpose of this policy is to provide a means by which staff is able to raise concerns with the appropriate line management or specific appointed person in the Municipality, where they have reasonable grounds for believing that there is fraud and corruption within the Municipality.

The Protected Disclosure Act, No26 of 2000, provides protection to employees for disclosures made without malice and in good faith, in defined circumstances.

In terms of the Protected Disclosure Act, No 26 of 2000 employees can blow the whistle on fraud and corruption in the working environment without fear of suffering an occupational detriment as defined by the Act. Makhado Local Municipality’s management encourages staff to raise matters of concern responsibly through the procedures laid down in this policy documents.

1.3 Scope of the policy

This policy is designed to deal with concerns raised in relation to issues relating to fraud, corruption, misconduct and malpractice within Makhado Municipality. The policy will not apply to personal grievances, which will be dealt with under existing procedures on grievance, discipline and misconduct. Details on these procedures are obtainable from the Department of Corporate Support and Shared Services.

The policy covers all genuine concerns raised including:

- Financial misconduct
- Health and safety risks
- Environmental damage
- Unfair discrimination
- Corruption and misconduct
- Attempts to suppress or conceal any information relating any of the above

If in the course of investigation of any concern raised in relation to the above matters it appears to the investigator that concerns raised relate more appropriately to grievance or discipline, those procedures will be evoked.

1.4 Who can raise a concern?

Any member of staff, who has a reasonable belief that there is corruption or misconduct relating any of the protected matters specified above may raise a concern under the procedure detailed in this policy.

Concerns must be raised without malice, in good faith and not for personal gain and the individuals must reasonably believe that the information disclosed, and any allegations contained in it, are substantially true.

The issue raised may relate to a manager, another member of staff, a group of staff, the individual own section or different section of the Municipality. The perpetrator can be an outsider, an employee, a manager, a customer or an ex-employee. You may even be aware of a system or procedure in use, which may cause Makhado Local Municipality to transgress legal obligations.

1.5 Culture of openness

Makhado Local Municipality commits itself to encouraging a culture that promotes openness. This will be done by:

- Involving employees, listening to their concerns and encouraging the appropriate use of this policy/process on whistle-blowing promoted by Senior Management. This policy will be issued to all existing employees and to each new employee.
- Educating/training/informing/explaining to employees what constitute fraud, corruption and malpractice and its effect on the Municipality.
- Promoting awareness of standards of appropriate and accepted employee conduct and establishing common understanding of what is acceptable and what is unacceptable behavior.
- Promoting the fraud hotline to employees and the community.

- Encouraging unions to endorse and support this approach.
- Having policy to combat fraud.
- Annual reporting to Council on the number of fraud/corruption matters reported and the outcomes.

1.6 Our assurances to you

Your safety

Management is committed to this policy. Makhado Municipality will ensure that any member of staff who makes disclosure in the above mentioned circumstances will not be penalized or suffer any occupational detriment for doing so.

Occupational detriment as defined by Protected Disclosure Act includes being dismissed, suspended, demoted, transferred against your will, harassed or intimidated, refused a reference or being provided with an adverse reference, as a results of your disclosure.

If you raise a concern in good faith in terms of this policy, you will not be at risk of losing your job or suffering any form of retribution as a result.

This assurance is not extended to employees who maliciously raise matters they know to be untrue. A member of staff who does not act in good faith or who makes an allegation without having reasonable grounds for believing it to be substantially true, or who makes it maliciously, may be subjected to disciplinary proceedings.

Your confidence

In the view of the protection offered to a member of staff raising a bona fide concern, it is preferable that the individual puts his/her name to the disclosure. Makhado Municipality will not tolerate the harassment or victimization of anyone raising a genuine concern.

However, we recognize that you may nonetheless wish to raise a concern in confidence under this policy. If you ask us to protect your identity by keeping your confidence, we will not disclose it without your consent. However we do expect the same confidentiality regarding the matter from you.

If a situation arises where we are not able to resolve the concern without revealing your identity (for example where evidence is needed in court), we will discuss with you on whether and on how we can proceed.

How we will handle the matter

Once you have told us your concern, we will look into it to assess initially what action should be taken. This may involve an internal inquiry or a more formal investigation.

The issue you raised will be acknowledged within 7 working days. If it is requested, an indication of how the Municipality proposes to deal with the matter and a likely time scale could be provided. If the decision is made not to investigate the matter reasons will be given.

We will tell you who will be handling the matter, how you can contact him/her and whether your further assistance may or will be needed.

When you raise a concern, you may be asked how you think the matter might best be resolved. If you do have any personal interest in the matter, we do ask that you tell us at the outset. If your concern falls more properly within grievance procedure we will tell you.

While the purpose of this policy is to enable us to investigate possible malpractice and take appropriate steps to deal with it, we will give you as much feedback as we properly can. If requested, we will confirm our response to you in writing. Please note, however, that we may not be able to tell you the precise action we will take where this could infringe a duty of confidence owed by us to someone else.

How to raise a concern internally

Step one: If you have a concern about malpractice, we hope you will feel free to raise it first with your manager/supervisor. This may be done orally or in writing.

Step two: If you feel unable to raise the matter with your manager/supervisor, for whatever reason, please raise the matter with Risk Management Officer at **015 519 3031** or send an email to fraud@makhado.gov.za

Please say if you wish to raise the matter in confidence so that appropriate arrangements can be made.

Step three: If these channels have been followed and you still have concerns, or if you feel that the matter is so serious that you cannot discuss it with any of the above, please contact the Municipal Manager at 015 519 3003.

Independent advice

If you are unsure whether to use this procedure or you want independent advice at any stage, you may contact your personal legal adviser, or your labour organization or the independent legal advice centre called Open Democracy Advice Centre (ODAC) on its toll free helpline on 0800 525 352. Their legally trained staff can give you free confidential advice at any stage about how to raise a concern about serious malpractice at work.

External contacts

Option 1: While we hope this policy gives you the reassurance you need to raise matters internally, we recognize that there may be circumstances where you can properly report matters to outside bodies, such as regulators or the South African Police Service. ODAC will be able to advise you on such an option and on the circumstances in which you may be able to contact an outside body safely.

Option 2: While we hope this policy gives you the reassurance you need to raise matters internally, you would rather raise a matter with appropriate regulator than not at all.

Provided you are acting in good faith, you can also contact Vhembe District 24-hour anti-fraud hotline on **0800 66 85 38** or Fax to: **0800 20 07 96** or send an email to fraud@kpmg.co.za

The following are the regulatory bodies which can also be contacted:

Office of the Auditor General (SA): 015 299 4400

Office of the Public Protector (Limpopo): 015 295 5956

Limpopo Provincial Government: Hot-line 0800 204 647

Email: limpopoleg@tip-offs.com.

If you are dissatisfied

If you are unhappy with our response, remember you can go to the other levels and bodies detailed in this policy. While we cannot guarantee that we will respond to all matters in the way that you might wish, we commit ourselves to handle the matter fairly and properly.

1.7 Creating awareness

It is the responsibility of all managers to ensure that all employees are made aware of, and receive appropriate training and education with regard to this policy.

1.8 Administration

The custodian of this policy is the Municipal Manager, who is supported in its implementation by all managers and staff of Makhado Local Municipality.

The Municipal Manager is responsible for the administration, revision and interpretation of this policy. This policy will be reviewed annually and appropriate changes applied should these be required.

Policy Review

This Whistle-Blowing Policy will be reviewed annually/as and when need arise and submitted to the Council for approval.

Recommended by the Risk Management Committee Chairperson:

Name: _____

Signature: _____

Date: _____

Approved by the Accounting Officer:

Name: _____

Signature: _____

Date: _____